

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EMORY RUSSELL; STEVE LYMAN;
GARY KELLEY; LEE MALLOY;
LARRY ROBINSON; GARY HAMILTON;
ART SCHAAP; and GUY SMITH,

Plaintiffs,

vs.

No. CIV-13-00760 KG/LAM

THE NEW MEXICO INTERSTATE STREAM
COMMISSION; THE NEW MEXICO ENERGY,
MINERALS AND NATURAL RESOURCES
DEPARTMENT, STATE PARKS DIVISION;
ESTEVAN LOPEZ, Individually and in his Official
Capacity as Director of the NEW MEXICO INTERSTATE
STREAM COMMISSION; TOMMY MUTZ, Individually
and in his Official Capacity as Director of the NEW MEXICO
STATE PARKS DIVISION,

Defendants.

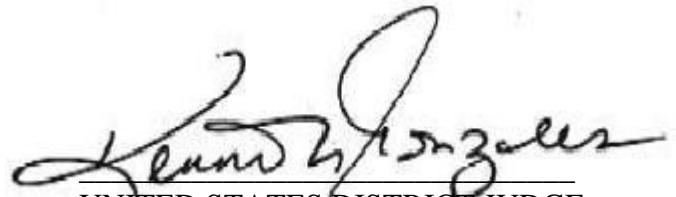
FINAL ORDER GRANTING SUMMARY JUDGMENT
AND OF DISMISSAL OF CERTAIN CLAIMS

Having granted Defendants' Motion for Summary Judgment (Doc. 51), filed February 11, 2014, and denied Plaintiffs' Cross-Motion for Summary Judgment (Doc. 61), filed April 21, 2014, by Memorandum Opinion and Order entered contemporaneously with this Order of Dismissal of Certain Defendants and Entry of Summary Judgment,

IT IS ORDERED that

1. summary judgment is entered in favor of Defendant Lopez and Defendant Mutz, in their individual and official capacities, as to Plaintiffs' claim for injunctive relief in Count I of the First Amended Complaint (Doc. 4), filed August 23, 2013;
2. Plaintiffs' claim for injunctive relief in Count I of the First Amended Complaint, as to

- Defendant Lopez and Defendant Mutz, in their individual and official capacities, is dismissed with prejudice;
3. summary judgment is entered in favor of Defendant Lopez and Defendant Mutz, in their individual capacities, as to Plaintiffs' claim for money damages in Count I of the First Amended Complaint;
 4. Plaintiffs' claim for injunctive relief in Count I of the First Amended Complaint, as to Defendant Lopez and Defendant Mutz, in their individual and official capacities, is dismissed with prejudice;
 5. all claims in the First Amended Complaint, as to Defendant New Mexico Interstate Stream Commission and Defendant New Mexico Energy, Minerals and Natural Resources Department are dismissed without prejudice;
 6. all claims in Count II of the First Amended Complaint, as to Defendant Estevan Lopez and Defendant Tommy Mutz, in their individual and official capacities, are dismissed without prejudice; and
 7. the claim for money damages in Count I of the First Amended Complaint, as to Defendant Estevan Lopez and Defendant Tommy Mutz, in their official capacities, is dismissed without prejudice.



UNITED STATES DISTRICT JUDGE